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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Revision No. 4393 of 2007

Date of decision: 28.8.2007

Lehmber Singh and another **...Petitioners**

Versus

Manjit Kaur and others **...Respondents**

CORAM: HON'BLE MR.JUSTICE RAJESH BINDAL

Present: Mr. P.K.Gupta, Advocate for the petitioners.

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RAJESH BINDAL, J.

Prayer made in the present petition filed under Article 227 of the Constitution of India is for setting aside the order dated August 1, 2007 whereby the evidence of the plaintiffs has been closed by order of the Court.

The proceedings arise out of an order passed by the Court below in a suit filed by the petitioner-plaintiffs for permanent injunction restraining respondent-defendants from alienating the property in dispute. The Court below rejected the prayer made by the petitioner-plaintiffs for grant of further opportunity for leading their evidence as according to it sufficient opportunities had already been granted.

Learned counsel for the petitioner-plaintiffs submitted that even on the date fixed, i.e. August 1, 2007 when the impugned order closing the evidence of petitioner-plaintiffs was passed, two PWs were examined. The petitioner No.2-plaintiff could not be examined as he was out of country and could not reach in time. The other witnesses are Tarsem Singh Matharoo, Advocate and Sat Pal, Deed Writer. He submits that in case one opportunity is granted, he will complete entire evidence at his own responsibility.

In view of the above, I do not deem it appropriate to issue

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notice to the respondents as the same will unnecessarily delay the disposal of the present petition as well as the suit pending before the trial Court. The only prayer made is for grant of one opportunity for completion of evidence, which is proper for the adjudication of the matter in dispute. No doubt, the petitioner-plaintiffs had been granted sufficient opportunities, however, still seeing the conduct that they were making efforts to lead evidence and even on the date fixed two witnesses were examined, in the interest of justice, I deem it appropriate to grant another opportunity to the petitioners-plaintiffs to complete their entire evidence on a date to be fixed by the trial Court for the purpose. The same shall be subject to payment of Rs. 2000/- as costs to the respondents-defendants. The petitioner will be at liberty to take help of the Court to summon the witnesses. However, it is made clear that no further opportunity shall be granted to the petitioners-plaintiffs in case, they fail to complete their entire evidence on the date fixed.

The petition is disposed of in the manner as indicated above.

August 28, 2007 **(Rajesh Bindal)**
Pka **Judge**